

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:	) Bankruptcy No. 20-10334-TPA
	) Chapter 11
JOSEPH MARTIN THOMAS,	)
	) Related to Doc. No. 265
Debtor	)
	) Date and Time of Hearing:
	) March 25, 2021 at 10:00 a.m.

**OBJECTION TO DEBTOR'S DISCLOSURE STATEMENT**

AND NOW, comes the Official Creditors' Committee ("Committee") for Tri-State Pain Institute, LLC ("Tri-State"), an affiliate of the Debtor in a separate, but related proceeding for reorganization under Chapter 11 at Case No. 20-10049-TPA, by and through the Committee's counsel, Knox McLaughlin Gornall & Sennett, P.C., with this Objection to Debtor's Disclosure Statement to Accompany Plan dated February 15, 2021, as follows:

1. The Debtor, Joseph Martin Thomas ("Dr. Thomas") filed his Plan of Reorganization on February 15, 2021 (the "Thomas Plan"). Dr. Thomas also filed a Disclosure Statement to Accompany the Plan on February 15, 2021 (the "Thomas Disclosure Statement").
2. The Thomas Disclosure Statement fails to provide adequate information of a kind, and in sufficient detail, that would enable a hypothetical investor typical of the holders of claims or interests in the case to make an informed judgment about the Plan, as required by 11 U.S.C. §1125.
3. The benefit to creditors of the additional information and detail would outweigh the burden upon the Debtor to provide such information.

4. The Disclosure Statement fails to provide adequate information as to the payment of administrative fees, only to say that they will be paid (i) from the sale of real and personal property or (ii) in equal installments over sixty (60) months. See Administrative Non-Tax Claims on page 17 of 47. However, it should be noted, that the Debtors' attorneys are working with counsel for the Committee regarding a stipulation on the reduction and payment of administrative fees.

5. The Disclosure Statement fails to provide adequate information as to the funding of the payments to the general unsecured creditors and the likelihood that the Debtor will be able to make the payments.

6. The Disclosure Statement fails to provide adequate information regarding the alternatives to the Plan.

7. The Disclosure Statement fails to provide adequate information regarding the timing and net liquidation value of the Debtor's real estate and personal assets.

8. In light of the Small Business Administration's Objections to bifurcation of the general unsecured claims (Doc. No. 311), it may be beneficial to establish a separate "convenience class" for all general unsecured creditors with claims under \$1,000 to be paid in full. Assuming a five (5%) percent distribution to the general creditors, allowing other general creditors to elect this option to accept \$1,000 as payment in full would effectively benefit any general unsecured creditor with a claim under \$20,000.

WHEREFORE, the Committee requests that approval of the Disclosure Statement be denied for the time being and that the Debtor have additional time to file an Amended Plan and Disclosure Statement.

Respectfully submitted,

KNOX McLAUGHLIN GORNALL &  
SENNETT, P.C.

Attorneys for the Official Committee of Unsecured  
Creditors for Tri-State Pain Institute, LLC

By: \_\_\_\_\_

Guy C. Fustine  
PA I.D. No. 37543  
120 West Tenth Street  
Erie, Pennsylvania 16501-1461  
(814) 459-2800  
gfustine@kmgslaw.com

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re: ) Bankruptcy No. 20-10334-TPA  
JOSEPH MARTIN THOMAS, ) Chapter 11  
Debtor )  
Related to Doc. No. 265 )  
Date and Time of Hearing: )  
March 25, 2021 at 10:00 a.m. )

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on March 18, 2021, a copy of the Committee's  
Objection to Debtor's Disclosure Statement to Accompany Plan was served by first class, United  
States mail, postage pre-paid, and/or electronic service, as follows:

Gary Skiba, Esquire  
Marsh, Spaeder, Baur, Spaeder & Schaaf  
300 State Street, Suite 300  
Erie, PA 16507  
[gskiba@yochim.com](mailto:gskiba@yochim.com)

Michael P. Kruszewski, Esquire  
2222 West Grandview Boulevard  
Erie, PA 16506  
[mkruszewski@quinnfirm.com](mailto:mkruszewski@quinnfirm.com)

James D. McDonald, Jr., Esquire  
McDonald Illig Jones & Britton, LLP  
100 State Street, Suite 700  
Erie, PA 16507  
[jmcdonald@mijb.com](mailto:jmcdonald@mijb.com)

Kathy Kinross, Committee Chair  
507 Sanford Place  
Erie, PA 16511

Norma Hildenbrand, Esquire  
U.S. Department of Justice  
Office of the United States Trustee  
1001 Liberty Avenue. Suite 970  
Pittsburgh, PA 15222  
[Norma.L.Hildenbrand@usdoj.gov](mailto:Norma.L.Hildenbrand@usdoj.gov)

Michael F.J. Romano  
Attorney for TIAA Commercial Finance, Inc.  
52 Newton Avenue  
PO Box 456  
Woodbury, NJ 08096  
[mromano@rgalegal.com](mailto:mromano@rgalegal.com)

Thomas James Minarcik  
456 W. 6<sup>th</sup> Street

Salene R.M. Kraemer, Esquire  
Bernstein-Burkley, P.C.  
707 Grant Street, Suite 2200  
Pittsburgh, PA 15219  
[skraemer@bernsteinlaw.com](mailto:skraemer@bernsteinlaw.com)

Erie, PA 16507  
[tjminarcik@elderkinlaw.com](mailto:tjminarcik@elderkinlaw.com)

Ernest Guichard  
9 Church Street  
Charlotte Villa 2, Apt. 503  
Sinclairville, NY 14782

Marjorie A. Weidner  
20323 State Hwy. 89  
Spartansburg, PA 16434

Sharon L. Kulig and Steven B. Kulig  
10 Hunter Street  
Jamestown, NY 14701

David L. Hunter  
Attorney at Law  
821 State St.  
Erie, PA 16501  
[dhunter@hunter@hunterlawerie.com](mailto:dhunter@hunter@hunterlawerie.com)

Philip C. Chapman, Esquire  
Pribanic & Pribanic, L.L.C.  
1735 Lincoln Way  
White Oak, PA 15131  
[phil@pribanic.com](mailto:phil@pribanic.com)

Peter A. Pentz, Esquire  
Pentz Law  
246 West Tenth Street  
Erie, PA 16501  
[petep@pentzlaw.com](mailto:petep@pentzlaw.com)

Ronald B. Roteman  
The Stonecipher Law Firm  
125 First Avenue  
Pittsburgh, PA 15222

Brian S. Clark and Beth Clark  
10479 Route 19  
Waterford, PA 16441

Lester Spencer and Chris Spencer  
337 East 21st Street  
Erie, PA 16503

Rita Jennings and George Jennings  
5524 West 52nd Street  
Fairview, PA 16415

Laurie C. TeWinkle, Esquire  
Law Offices of L.C. TeWinkle  
821 State Street  
Erie, PA 16501  
[ltewinkle@velocity.net](mailto:ltewinkle@velocity.net)

Paul Susko  
Kubinski Susko & Schonthal  
510 Parade Street  
Erie, PA 16507  
[paul@ksslawfirm.com](mailto:paul@ksslawfirm.com)

Jason Matzus, Esq.  
Matzus Law LLC  
310 Grant Street, Suite 3210  
The Grant Building  
Pittsburgh, PA 15219  
[jason@matzuslaw.com](mailto:jason@matzuslaw.com)